

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17153 OF 2006

DATED 18th SEPTEMBER, 2006

BETWEEN

C.Mohammed Basha

... Petitioner

and

The A.P.State Wakf Board, rep.by its Chief Executive Officer, Hyderabad.

... Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17153 OF 2006

ORDER:

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The petitioner is President of Chairman Chowk Masjid Development Trust, V.Kota., Chittoor District. There is a Mosque called Chowk Masjid with appurtenant land admeasuring Acs.0.19 cents in survey No.193/1. He alleges that the land has been occupied by encroachers and in spite of bringing it to the notice of the respondent, no action was taken under Section 54 of the Wakf Act, 1995. Hence, he seeks a writ of Mandamus directing the respondent to initiate necessary steps for evicting the encroachers from the wakf land.

Learned counsel appearing for the respondent placed strong reliance on the decision of this Court in **Madrassa Ahle Sunnath Bahrul Uloom v State of Andhra Pradesh**^[1] in support of the preliminary objection that the petitioner being the President of the Chowk Masjid Development Trust is not person interested, and therefore, the writ petition would not lie.

In the decision cited hereinabove, the writ petition was filed by a registered society as such. In this case, the President of the Society in his individual capacity has filed the writ petition and that being the distinguishing feature, the citation has no application. Be that as it, as the petitioner has filed the writ petition after approaching the respondent, in vain, this writ petition is disposed of directing the respondent to cause Inspection/enquiry into the allegation made by the petitioner and take appropriate action under the provisions of the Wakf Act, 1995.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

18.09.2006.

pln

^[1] 2004 (2) ALT 647